

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL NOS. 353/92 TO 359/92.

For Approval of Signature :

Hon'ble MR. JUSTICE N.J. PANDYA AND Sd/-

MR. JUSTICE A.R. DAVE Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgments ? No
 2. To be referred to the Report or not ? No
 3. Whether Their Lordships wish to see the fair copy of the judgment ? No
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any Order made thereunder ? No
 5. Whether it is to be circulated to the Civil Judge ? No
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Appearance :

Govt. Pleader with Mr Maulin R. Rawal, AGP for the appellant.

Mr Nitin M Amin, Advocate for the respondent.

Coram : N.J. PANDYA & A.R. DAVE, JJ.

Date of Decision : 3rd August, 1996

Oral Judgment : (Per Pandya, J.)

These appeals arise out of an award given by the learned Extra Assistant Judge, Kheda at Nadiad on 18.4.1990 in a group of matters under Land Acquisition Act. The learned trial Judge has awarded Rs. 9/- per sq.mtr. as price of acquired land for which section 4 notification was issued on 10.8.1981. The lands are situated in village Sinjivada, Taluka Matar, District Kheda.

2. The claimants had adduced evidence as to crops taken by them. Only 2 crops viz. paddy and wheat were taken. This is fortified by 7/12 extracts. The price

realised is sought to be established by sale bills by Agricultural Produce Market Committee of Matar.

3. In our opinion, the claimants had, therefore, sufficiently established their claims on yield basis. After working out the yield per acre, the learned trial Judge has worked out the price per sq. mtr.

4. The learned Govt. Pleader is right when he points out that the learned trial Judge ought to have done more exercise in arriving at the figure of market value per sq.mtr. It carries us again into consideration and taking the figure of yield from paddy and wheat after giving multiple of 10 and deducting 1/3 amount thereof towards expenses, the amount worked out comes to nearly the same as given by the trial Court. Paddy and wheat yield total upto 4300 per vigra giving multiple of 10 brings about 43000 and deducting 1/3 thereof and divided by 2300 gives the price of roughly Rs.10/- or little more.

5. In our opinion, therefore, except for want of acutal reasoning, the trial Court's conclusion cannot be said to be bad. In our opinion, we would not like to interfere with the conclusion arrived at by the trial Court. The appeal is, therefore, dismissed. Order of the trial Court is confirmed.
